

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

VICKI JOHNSON,

Case No. 2:18-cv-01987-APG-GWF

Plaintiff,

**REPORT AND RECOMMENDATION**

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendants.

This matter is before the Court on Plaintiff's failure to comply with the court's Order (ECF No. 6).

Plaintiff is proceeding in this action *pro se* and she submitted a complaint on October 15, 2018. *See* Compl. (ECF No. 1-1). The court issued a screening order (ECF No. 2) granting Plaintiff permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's complaint failed to state a valid claim and allowed her until November 16, 2018, to file an amended complaint. The screening order warned Plaintiff that a failure to file an amended complaint addressing the deficiencies explained by the court would result in a recommendation to the district judge that this case be dismissed. On November 16, 2018, Plaintiff filed a second amended complaint. ECF No. 5. On March 8, 2019, the Court issued a screening order and found that Plaintiff's amended complaint failed to cure the deficiencies identified in its previous screening order. The Court allowed Plaintiff until April 8, 2019 to file a second amended complaint.

On May 28, 2019, the Court entered an Order to Show Cause (ECF No. 8) directing Plaintiff to "show cause, in writing, no later than June 3, 2019, why this matter should not be dismissed for a failure to file an amended complaint." Plaintiff was again warned that failure to file an amended complaint would result in a recommendation to the district judge that this case be

1 dismissed. To date, Plaintiff has not filed an amended complaint, requested an extension of time,  
2 or taken any other action to prosecute this case. Accordingly,

3 **IT IS RECOMMENDED** that Plaintiff's Amended Complaint (ECF No. 6) be  
4 DISMISSED.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close  
6 the case and enter judgment accordingly.

7 Dated this 31st day of July, 2019.

8  
9   
10 GEORGE FOLEY, JR.  
11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned district judge  
14 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for  
15 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the  
16 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local  
17 Rules of Practice, any party wishing to object to a magistrate judge's findings and  
18 recommendations of shall file and serve *specific written objections*, together with points and  
19 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.  
20 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate  
21 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found  
22 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may  
23 result in the district court's acceptance of this Report of Findings and Recommendation without  
24 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,  
25 failure to file timely objections to any factual determinations by a magistrate judge may be  
26 considered a waiver of a party's right to appellate review of the findings of fact in an order or  
27 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th  
28 Cir. 1991); Fed. R. Civ. Pro. 72.